



CITY OF MEMPHIS

COUNCIL AGENDA

February 3, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 27, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change for Pastor Robert C. Jones, Jr.
Brown

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

2. **ORDINANCE** amending Chapter 12-52 of the Code of Ordinances to Ban the Use of Plastic Carrier Bags during Parades and Public Assemblies; Require Recycle Bins or Bags; and Encourage Use of Recycled or Recyclable Products, up for F I R S T reading.
- Strickland Ordinance No. 5298

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

3. **ORDINANCE** to require Council approval on all lawsuits initiated by the City, up for S E C O N D reading.
- Lowery Ordinance No. 5294

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

4. **ORDINANCE** amending the Memphis and Shelby County Zoning Ordinance-Regulations, adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Council of the City of Memphis on October 7, 1981, so as to make certain changes therein, up for F I R S T reading.
- Morrison Ordinance No. 5297
Case No. ZTA 07-004cc

Request: Various amendments to the Memphis and Shelby County Zoning Ordinance Sign Regulations as follows:

Revisions to the regulations governing temporary signs to remove references to types of signs by content.
Add new regulations for flashing, moving and changeable signs to address new, digital displays on both on premise and off premise signs.

Add severability provisions to insure that if one provision of the ordinance is declared unconstitutional by a court, the remainder shall remain in effect.

Various improvements throughout the ordinance to solve known ambiguities for improved enforcement.

LUCB and OPD recommendation: **APPROVAL**

ACTION REQUESTED: Adopt the ordinance on First reading

5. **ORDINANCE** rezoning the south side of Macon Road, 991 ft. east of Lamar Ave. (US Hwy 78), containing 5.44 acres in the Single Family Residential (R-S6) and General Office (O-G) Districts, up for F I R S T reading.

Morrison

Ordinance No. 5299

Case No. Z 08-118

Applicant: Bazemore Family Trust and Cordova Properties, Inc.
Eugene Bryan – Representative

Request: Local Commercial (C-L) District

LUCB recommendation: **APPROVAL**

OPD recommendation: **REJECTION**

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

6. **ORDINANCE** rezoning the north end of Bledsoe Road cul-de-sac; north of Holmes Road, containing 16.91 acres in Single Family Residential (R-S6) District, up for S E C O N D reading.

Morrison

Ordinance No. 5295

Case No. Z 08-117

Applicant: Mark H. George
ETI Corporation – Representative

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: **APPROVAL**

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** rezoning Moore Road, beginning at Germantown Parkway and ending at Walnut Grove Road, extending approximately one mile in length in the Agricultural (AG) District, up for S E C O N D reading.

Morrison

Ordinance No. 5296

Case No. SNC 08-802

Applicant: Agricenter International
John Charles Wilson – Representative

Request: Street name change from Moore Road to Smythe Farm Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

8. RESOLUTION accepting GOODLETT FARMS EAST PLANNED DEVELOPMENT, PHASE 14, and authorizing release of bond.

Case No. PD 90-317cc
(Contract No. CR-5089)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the intersection of Goodlett Farms Parkway and Garrett Ridge. The standard improvement contract was approved on 8/7/2007. Resolution also authorizes the release of the certificate of deposit in the amount of \$55,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of SIMS DEVELOPMENT COMPANY SUBDIVISION.

Case No. S 08-016

Resolution approves the final plat located on the west side of Millbranch Road, south of Brooks Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving sewer plan for SUMMER RALEIGH SUBDIVISION SEWER EXTENSION.

Contract No. CR-5132

Resolution approves the sewer plan located at the southeast corner of Summer Ave., and Raleigh LaGrange. Cost of the required improvements to be shared between the City and the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of SUMMER RALEIGH SUBDIVISION.

Case No. S 08-007

Contract No. CR-5133

Resolution approves the final plat located on the southeast corner of Summer Ave., and Raleigh LaGrange. Cost the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

12. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-324cc – WOODLAND HILLS II PLANNED DEVELOPMENT, AMENDED

Located on the north side of Walnut Grove Road; +/-2,540 feet west of Houston Levee Road, containing 196.89 acres and is currently governed by Woodland Hills II Planned Development (P.D. 04-343cc)

Applicant: Coastal Fuels, Inc.
Harkavy, Shainberg, Kaplan & Dunstan, PLC-Ronald Harkavy-Representative

Request: Planned development amendment to allow single family homes with minimum lots sizes of 6,000 sq. ft., including independent and assisted living for seniors, licensed health care, nursing home and associated medical facilities

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-328cc – WINDSOR PARK PLANNED DEVELOPMENT

Located on the northeast corner of Ellis Road and New Brunswick Road, containing 47.21 acres in the Single Family Residential(R-S10) District

Applicants: Windsor Park Partners
ETI Corporation-Ralph Smith - Representative

Request: Planned development to allow senior-living attached homes, including senior care facilities for a nursing home, assisted living, hospice and rehabilitation centers

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 08-334

Located on the west side of German Creek Drive; south of Walnut Bend Road, containing 8.783 acres in the Planned Commercial (C-P) District

Applicant: Jack Johnson
Jack Johnson – Representative

Request: The request is for a self-storage facility with outdoor vehicle storage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 17, 2009



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11313, Sampling of Energized Distribution Transformers, to Jaco Construction, Inc. in the funded amount of \$3,593,013.64.
14. RESOLUTION approving Change No. 6 to Contract No. 11020, Janitorial Services, with Kimco Corporation in the funded amount of \$935,108.00. (This change renews the contract for the fourth and final renewal term, February 20, 2009 to February 19, 2010, with a rate increase of approximately 3% over the current yearly rate.)
15. RESOLUTION approving Change No. 2 to Contract No. 11193, Janitorial Services, with Kimco Corporation in the funded amount of \$212,936.00. (This change renews the contract for the second of four renewal terms, February 28, 2009 to March 1, 2010, with a rate increase of approximately 3% over the current yearly rate.)
16. RESOLUTION awarding contract for one Central E-mail Archive System to Quest Software in the amount of \$55,000.00.
17. RESOLUTION approving agreement with Gerber/Taylor Associates, Inc. to provide full service investment consulting and investment performance evaluation services for benefit of the MLGW Retirement and Pension Fund for a fee not to exceed \$121,000.00 per year.
18. RESOLUTION giving the Vice President and General Counsel contract authority in the amount of \$180,416.70 for a claims settlement.
19. RESOLUTION giving the Vice President and General Counsel contract authority in the amount of \$100,000.00 for a claims settlement.
20. RESOLUTION giving the Vice President and General Counsel contract authority in the amount of \$44,600.34 for a claims settlement.



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

21. **ORDINANCE** to amend the Code of Ordinances, of the City of Memphis, Pertaining to the Contracts of the Memphis Light, Gas and Water Division relating to Settlement Agreements Under Workers' Compensation Laws, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5291

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to provide for Minimum Energy Efficiency in Rental Property, up for T H I R D and F I N A L reading.

Ware

Ordinance No. 5292

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend Chapter 2, Article XI, Code of Ordinances, City of Memphis, so as to Change the Reporting Requirements for Small Businesses, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5293

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

24. **RESOLUTION** accepting grant funds in the amount of Two Million Six Hundred Sixty Eight Thousand Forty Seven Dollars (\$2,668,047.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One ADULT Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting grant funds in the amount of Twenty Four Thousand Nine Hundred Eighty Seven Dollars (\$24,987.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Rapid Response Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

26. RESOLUTION approving amendment of the FY09 Capital Improvement Budget to create Architecture and Engineering funds for CIP Project Number PK10013, Liberty Bowl ADA Seating by moving the allocation and appropriation from the following:

Strickland

PK10001 Liberty Bowl Stadium Improvements, \$216,605.00, Architecture and Engineering to PK10013, Liberty Bowl ADA Seating, Architecture and Engineering. PK10007 Liberty Bowl Major Maintenance, \$95,256.00, Architecture and Engineering to PK10013, Liberty Bowl ADA Seating, Architecture and Engineering. PK10010 Liberty Bowl Locker Rooms, \$219,427.00, Architecture and Engineering to PK10013 Liberty Bowl ADA Seating, Architecture and Engineering.

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving Old School Pictures to use Overton Park after established park hours on February 10, 2009 from 9:00 p.m. to 1:00 a.m., for the filming of "Daylight Fades".

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

28. RESOLUTION accepting grant funds from the U.S. Department of Justice COPS Office for the COPS Interoperable Communications Technology grant award in the amount of \$5,997,770.00. Resolution also amends FY 2009 Operating Budget to establish and appropriate \$5,997,770.00 in grant funds. The requirement for matching funds has been met through support of the RTCC.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$341,898.00 funded by G.O. Bonds from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 40, project number PW04072 to install handicap ramps and for a construction contract with Encor, LLC.

Boyd

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

30. RESOLUTION requesting a public hearing date to be held on February 17, 2009, to amend the Community Redevelopment Plan for the Uptown Area.

Consent

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$35,540.68 for a claims settlement.

Lowery

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 11 – Approved
12. Public Hearing set for February 17, 2009
13. Approved
14. and 15 – Dropped
16. Through 21 – Approved
22. Approved, as amended
23. Through 31 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 27, 2009

Approved

ACTION TAKEN ON THE MINUTES OF FEBRUARY 3, 2009 FOR ITEMS 18, 19, 20 and 31 ONLY

Approved